Beaver Rim Master Leasing Plan Implementation

Background: Master leasing plans (MLPs)were established under the 2010 oil and gas leasing reform and detailed in Washington Office Instruction Memorandum 2010-117. IM 2010-117 stated that it established

> …a process for ensuring orderly, effective, timely, and environmentally responsible leasing of oil and gas resources on Federal lands. The leasing process established in this IM will create more certainty and predictability, protect multiple-use values when the Bureau of Land Management (BLM) makes leasing decision, and provide for consideration of natural and cultural resources as well as meaningful public involvement.

The 2014 Lander Record of Decision and Approved Resource Management Plan (RMP) was the first resource management plan in the country to adopt specific management prescriptions for a MLP analysis area. As detailed in the Lander Final Environmental Impact Statement and Proposed Resource Management Plan (FEIs), the Bureau of Land Management (BLM) evaluated two areas for MLPs: Dubois and Beaver Rim. The RMP closed the Dubois area to oil and gas leasing and established the Beaver Rim Master Leasing Plan area BRMLP (Decisions 2024 through 2035.)The BRMLP area is approximately 150,000 acres open to oil and gas leasing in the central part of the Lander Field Office (LFO) planning area (see Map 1). Approximately 30,000 acres are available for leasing with a no-surface occupancy (NSO) stipulation and 120,000 acres are available with a controlled surface use (CSU) stipulation. Other management Decisions further prescribe oil and gas development such as requiring that development meet visual resource management class objectives.

After the Record of Decision was signed for the Lander RMP, the Lander Field Office (LFO) indicated it would prepare an implementation plan for the Beaver Rim MLP. The purpose of this implementation plan is to provide clarity as to how the BLM will apply the BRMLP Decisions regarding oil and gas leasing[1], authorizing drilling, and post-drilling monitoring. Appendix A provides a list of all of the MLP Decisions and the point in the process that they come in to consideration.

The MLP Decisions Apply Only to the Oil and Gas Program:

Leasing reform, which created the master leasing plan approach, is an oil and gas program. Therefore, the prescriptions in the MLP section of the RMP (Decisions 2024 through 2035) apply only to oil and gas decisions and not to other programs or uses. For example, Decision 2030 requiring watershed monitoring is mandated only in oil and gas authorizations.

However, Mineral Resources Objectives 3.1 through 3.6 identify the resources of concern in the Beaver Rim MLP area. Impacts to MLP resources of concern should be evaluated in the NEPA analysis of any BLM authorization because the RMP identifies them as important.

[1] The leasing process for parcels in the BRMLP is the same as parcels elsewhere in the planning area that are open to leasing. The stipulations that will be applied to BRMLP parcels are site-specific.

For the following topics, we are identifying specific clarification for this implementation plan:

Baseline vegetation and riparian Information:

In 2015, the BLM completed Standards Assessments for all of the CSU portions of the BRMLP. Standard Assessments (SAs) utilize a well-defined process for evaluating whether or not the public lands are meeting the *Standards for Rangeland Health* (available as Appendix J to the RMP Final Environmental Impacts Statement available online at: http://www.blm.gov/wy/st/en/programs/Planning/rmps/lander/docs/PRMP-FEIS.html.) BLM Technical *Reference 1734-6 Interpreting Indicators of Rangeland Health* describes the process BLM follows for collecting condition information. See: http://www.blm.gov/nstc/library/pdf/1734-6rev05.pdf.

The SAs determination for the BRMLP allotments are available online at: http://www.blm.gov/wy/st/en/field_offices/Lander/range.html.

Floodplain: Decision 2024 provides that approximately 120,000 acres in the MLP are CSU *unless* they are determined to be located in a mapped floodplain. Any parcels that are determined to be in a mapped floodplain would be NSO. The BLM utilizes floodplain mapping from Federal Emergency Management Agency (FEMA) which has not identified any floodplain areas in the MLP. If that FEMA makes a determination, the mapping of the BRMPL parcels would be revised. However, as part of pre-leasing analysis of the parcel through site visits and onsite meetings prior to authorizing permission to drill wells (APDs), the BLM will evaluate each parcel in the CSU part of the MLP for floodplain possibilities. Absent a formal FEMA determination, the parcels would not have the NSO stipulation applied but the potential of a floodplain would be addressed in the NEPA document analyzing the APD.

Visual Resources:

The BLM uses both a Visual Resources Inventory (VRI) and Visual Resource Management (VRM) system to classify the aesthetic value of public lands and sets management objectives during the RMP planning process. The BLM completed a VRI of the planning area that represented the current condition (baseline) to inform the VRM decisions in the RMP. The VRM is different from the inventory in that it represents the BLM's decision on what amount of change will be authorized for each VRM class. The RMP identified VRM classes for all of the public lands in the planning area. A discussion of the entire VRM process can be found in the Visual Resources Section of the Final Environmental Impact Statement starting in Section 3.5.3.

Authorizations (for all lands in the planning area, not just in the BRMLP) must conform to the objectives for the area's VRM class objectives. These are provided in Objectives HR 17.1 through 17.4 in Table 2.19 in the RMP. The VRM designations for the Beaver Rim MLP area are displayed on Map 2. MLP Decisions 2025 and 2026 contain prescriptions that will applied as part of the NEPA analysis at the APD stage and will require additional analysis (visual simulation) and design features such as the siting of surface disturbing activities that will help to mitigate adverse impacts to visual resources from development. The BLM typically conducts site visits as part of the evaluation of the efficacy of design features and other mitigation.

No new visual resource inventory is needed to fully implement the VRM decision in the MLP although FLPMA requires the BLM to continue to conduct inventories of all resources to evaluate possible changes in condition.

Sequencing of parcels offered for lease as required in Decision 2028:

Decision 2028 states, in part, "Make parcels in the Beaver Rim area available for leasing starting in the CSU areas outside of crucial winter range." As is explained in detail in the FEIS, the sequencing or phasing of leasing is designed to emphasize initial development in areas outside of big game crucial winter range in order to determine if a viable oil and gas play exists. This approach limits surface disturbance in crucial winter range for plays that turn out to be not commercially viable.

To meet the requirements of Decision 2028, the BLM will utilize the following approach to be applied as part of the leasing process: Areas inside of crucial winter range will be offered for lease[2] only after all parcels outside crucial winter range have been offered for lease, sold, and explored and an economic well outside of crucial winter range proves the viability of the play that would justify exploration and development within crucial winter range. Exploration will be considered complete when a well has been drilled and completed resulting in economic production. Unsuccessful wells that do not support additional development in crucial winter range will be identified by plugging and abandoning the well.

Existing Surface Disturbance:

Decision 2028[3] provides in part: "Allow no more than 5 percent surface disturbance in the township in which the parcel is located until interim reclamation goals are achieved." The BLM has a memorandum of agreement with the University of Wyoming Geographic information Science Center (WYGISC) to collect information on existing surface disturbance in Core Area. This information is utilized in calculating whether the surface disturbance caps of Decision 4109 have been reached. In calculating the 5 percent surface disturbance, the BLM will utilize the process identified in the current greater sage-grouse disturbance calculation tool as required by Decision 4109. The BLM monitors interim reclamation and completes inspection reports showing monitoring results. These reports are available to the public through the BLM's webpage. Parties including interested stakeholders and cooperating agencies may tell the BLM that they would like to be notified when inspection reports for Beaver Rim MLP parcels are available.

[2] The BLM leasing process is to offer parcels in response to nomination by industry. In order to implement Decision 2028, the BLM will defer any nominated parcels in crucial winter range until an economic well outside of crucial winter range proves the viability of the play.

[3] A similar disturbance cap is provided by Decision 4109 for Core Area. Since the CSU portion of the BRMLP is within Core Area, the BLM would apply a 5% cap even if Decision 2028 did not have this requirement.

WYGISC information will analyze the existing surface disturbance to determine if the proposed new surface disturbance will exceed the 5% cap. The BLM will also determine whether a 1.2 mile separation for new disturbances would be beneficial in protecting intact habitat or would result in further fragmentation. The preference is that all new disturbance be co-located to the greatest extent possible. All disturbance analysis will be done at the APD stage as part of NEPA analysis. Cooperating agencies may request to be part of the NEPA process including initial scoping. Interested parties including stakeholders and cooperating agencies may request an opportunity to provide comments to draft NEPA documents.

Riparian Setback: Decision 2029 provides that a larger setback from riparian-wetlands than the 500 feet imposed by Decision 4031 may be required for new disturbance if NEPA analysis indicates a need for such additional protection. This analysis will be done as part of the APD process utilizing existing riparian-wetlands mapping from the National Wetlands Inventory (NWI). The NWI may be supplemented with data collected by the proponent or the BLM. The BLM will also consider SA findings on Standards of Healthy Rangeland Standard 2 (Riparian) including the SA's determination of what areas constitute riparian-wetlands.

Paleontological Inventory: Section 2033 provides that prior to leasing any parcels in the BRMLP, the special management prescriptions identified in the RMP Paleontological Resources section regarding inventories will be completed. The BLM utilizes the Potential Fossil Yield Classification (PFYC) mapping to classify the potential to discover or affect significant paleontological resources and to determine proper mitigation approaches. For further information see the RMP FEIS, at page 448. Decision 5058 indicates that parcels with "very high" or "high" potential fossil yield classification are open to oil and gas leasing subject to CSU stipulations. Prior to leasing, the BLM will evaluate the nominated parcels utilizing the PFYC mapping and will conduct a Class I records inventory to identify what conditions of approval should be applied to APDs following leasing. The BLM will also consider any paleontological studies that have been conducted in the area.

Post-disturbance Monitoring: Decision 2030 requires monitoring the effectiveness of watershed protections. NEPA analysis prior to authorizing APDs will identify appropriate monitoring requirements based upon the site-specific requirements. This monitoring will be limited to those watershed functions over which the BLM has jurisdiction.

Appendix A

Application of Specific MLP Decisions

Typically, the leasing process is initiated by "nominations" from non-BLM parties who "express an interest" in leasing those parcels. Before those parcels are "offered" for leasing, the BLM analyzes impacts from leasing the parcels in a National Environmental Policy Act (NEPA) document. The RMP is the source for the stipulations that will be attached to the lease. Before the lease is sold, the BLM Wyoming State Director has the discretion to "defer" parcels from the lease sale. The parcels that are not deferred are then offered for bid and leased to the successful bidder in accordance with BLM procedures. This process is called the "leasing stage".

Subsequently, before the parcel may have a well drilled on it, BLM regulations provide for various steps to be followed. One of these is for the BLM and the applicant to conduct an "on-site" visit to the location where the well is proposed. Following the on-site visit, the BLM analyzes the applicant's proposed APD development and other alternatives for development in a NEPA document. This is called the "APD stage". Through NEPA analysis, mitigation measures are identified and implemented through conditions of approval or COAs applied to the APD.

While this description of the leasing and approval process is a somewhat simplistic explanation of the BLM's regulatory process, it provides the background for understanding how the MLP provisions will be applied. The following table identifies whether the RMP decision will be applied at the leasing or APD stage:

Decision Number	Decision	Stage Applied
2024	Oil and gas leasing in the Beaver Rim area (150,882 acres [Map 47]) is subject to the following management: -29,567 acres in the Beaver Rim MLP area are open to oil and gas leasing subject to an NSO stipulation. -The remainder of the MLP area (121,255 acres) is open to oil and gas leasing subject to CSU stipulations. If any of these acres are determined to be within a mapped floodplain before the lease is issued, an NSO stipulation, rather than a CSU stipulation will be applied	Leasing
2025	In VRM Class II areas of the Beaver Rim MLP area: -Visual simulations in accordance with VRM directives will be required. -Manage the landscape associated with Beaver Rim so that visitors continue to enjoy the unique geologic, topographic, and natural features, and Native American cultural sites.	APD
2026	In VRM Class III areas of the Beaver Rim MLP area: -Roads should be sited to follow the contours of the landscape and co-located unless that is not	APD

	technically feasible. -Site wells so they will be less visible and where cuts and fills can be minimized. -Consolidate and use low-profile equipment. -Paint equipment to blend with the background. -Bury pipelines. -Place all linear disturbance such as powerlines in common corridors. -Additional management may be required on a site-specific basis to lessen adverse impacts to visual resources and sensitive soils.	
2027	Final reclamation of oil and gas surface disturbance will restore the original landform and reestablish the native plant community. Reclamation will improve riparian-wetland conditions in the Beaver Rim MLP area.	APD
2028 A	Make parcels in the Beaver Rim area available for lease starting in the CSU areas outside of crucial winter range.	Leasing
2028 B	Allow no more than 5 percent surface disturbance in the township in which the parcel is located until interim reclamation goals are achieved.	APD
2028 C	Require co-location of new disturbance if technically feasible.	APD
2028 D	If new disturbances cannot be co-located, they must be at least 1.2 miles from existing disturbance.	APD
2029	Apply a riparian-wetland setback greater than 500 feet where NEPA analysis determines that a longer distance is needed to protect riparian-wetland resources.	APD
2030	Require watershed monitoring, including wetlands, to verify the effectiveness of watershed protections. Monitoring protocols will establish key variables, such as depth of standing water, duration of saturation, temperature, sediment loading, and other metrics, as determined on a site-specific basis. Strengthen protections, including BMPs, when monitoring indicates ongoing degradation or inadequate benefits from mitigation, including additional site protections and wetland restoration.	APD
2031	Pending the results of tribal consultation, do not authorize surface disturbance within 0.25 mile of sites known to be of interest to Native American tribes (e.g., stone circles, cairns, rock art) as mapped in the Lander Field Office Geographic Information System database. Following tribal consultation, apply site-specific management that will protect Native American spiritual and/or cultural values	APD

2032	Develop an inventory of fossil localities in areas identified as high or very high potential fossil yield classification to be used in managing mineral activities to protect paleontological resources (see the Paleontological Resources section).	APD
2033	Prior to leasing any parcels in the Beaver Rim area, the special management prescriptions identified in the Paleontological Resources section regarding inventories will be completed.	Leasing
2034	To support genetic diversity among wild horse populations, do not authorize fences in Herd Management Areas in the Beaver Rim MLP area unless necessary to improve riparian-wetland conditions. Avoid siting roads and other linear disturbances in the Beaver Rim MLP Herd Management Areas.	APD
2035	Avoid surface disturbance in unique plant communities.	APD